

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

100-0065

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", Union Pacific Railroad Company, hereinafter referred to as the "Company", the City of Pana, hereinafter referred to as the "City", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal communication that inquiry should be made into the matter of improving public safety at the crossings of the Company's track with public highways known as Poplar Street, Locust Street, State Street and Johns Street, all located in the City of Pana, Christian County, Illinois, designated as crossings AAR/DOT 166 880S, milepost 204.96CY; AAR/DOT 166 882F, milepost 205.06CY, AAR/DOT 542 123H, milepost 167.30STL, and AAR/DOT 542 124P, milepost 167.70STL, respectively.

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a member of the Commission's Railroad Section staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volumes, and all other pertinent data relating to the Poplar Street, Locust Street and State Street crossings has been obtained and shown on Exhibits A-1 through A-3, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and

POCKETED

procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry at the Poplar Street crossing.
- b) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry at the Locust Street crossing.
- c) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry at the State Street crossing.
- d) the installation of constant warning time circuitry to control the existing automatic flashing light signals and gates at the Johns Street crossing.

Section 3 The Company has prepared preliminary estimates of cost to accomplish the proposed improvements which it may be required to perform, said estimates are attached as Exhibits B-1 through B-3, and shall upon Order according to the requirements contained therein prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days and for the completion of the proposed improvements should be twelve (12) months from the date of Commission Order subsequent to this agreement. The time schedule for the submission of progress reports from the Company is contained in Section 7 herein.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to install the automatic warning devices and circuitry at the Poplar Street crossing, estimated to be \$105,752, should be divided 90%, in an amount not to exceed \$95,177, to the Grade Crossing Protection Fund ("Fund") with all remaining installation cost and all cost of future

maintenance and operation of the warning devices and circuitry being borne by the Company.

- b) the cost to install the automatic warning devices and circuitry at the Locust Street crossing, estimated to be \$148,419, should be divided 90%, in an amount not to exceed \$133,577, to the Fund with all remaining installation cost and all cost of future maintenance and operation of the warning devices and circuitry being borne by the Company.
- c) the cost to install the automatic warning devices and circuitry at the State Street crossing, including the circuitry upgrade at the Johns Street crossing, estimated to be \$295,010, should be divided 90%, in an amount not to exceed \$265,509, to the Fund with all remaining installation cost and all cost of future maintenance and operation of the warning devices and circuitry at both the State Street and Johns Street crossings being borne by the Company.

Section 6 Special Provisions. All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Hank Cronister, Bureau of Local Roads and Streets, Main Office of the Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, IL 62764. A copy should also be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from the Company shall be clearly marked "Final Bill". All bills shall be submitted to the Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall file a written report within ninety (90) days from the date of Commission Order subsequent to this agreement, with the Director of Processing and Information of the Commission's Transportation Division, listing the name, title, mailing address, phone number and facsimile number of the Company's employee responsible for management of this project.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures and percentage of completion of the warning device and circuitry installations; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

Section 7 This agreement shall be binding upon the parties hereto, their

successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

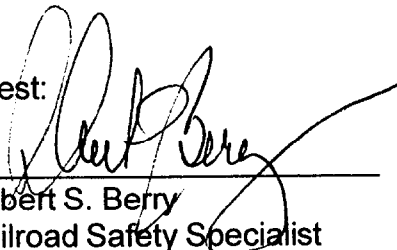
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 13th day of April, 2000.



Michael E. Stead
Rail Safety Program
Administrator

Attest:



Robert S. Berry
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 832 concerning improvements at the crossings of the track of the Union Pacific Railroad Company with public highways known as Poplar Street, Locust Street, State Street and Johns Street located in Pana, Christian County, Illinois, designated as crossings AAR/DOT 166 880S, milepost 204.96 CY, AAR/DOT 166 882F, milepost 205.60CY, AAR/DOT 542 123H, milepost 205.33STL, and AAR/DOT 542 124P, milepost 205.60STL, respectively.

Executed by the City of Pana this 25th day of April, 2000.

THE CITY OF PANA

By: Sharon J. Belcher
Mayor

Attest:

Levy Davis

Illinois Commerce Commission Stipulated Agreement No. 832 concerning improvements at the crossings of the track of the Union Pacific Railroad Company with public highways known as Poplar Street, Locust Street, State Street and Johns Street located in Pana, Christian County, Illinois, designated as crossings AAR/DOT 166 880S, milepost 204.96 CY, AAR/DOT 166 882F, milepost 205.60CY, AAR/DOT 542 123H, milepost 205.33STL, and AAR/DOT 542 124P, milepost 205.60STL, respectively.

Executed by the Department this 2nd day of MAY, 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Shifert
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 832 concerning improvements at the crossings of the track of the Union Pacific Railroad Company with public highways known as Poplar Street, Locust Street, State Street and Johns Street located in Pana, Christian County, Illinois, designated as crossings AAR/DOT 166 880S, milepost 204.96 CY, AAR/DOT 166 882F, milepost 205.60CY, AAR/DOT 542 123H, milepost 205.33STL, and AAR/DOT 542 124P, milepost 205.60STL, respectively.

Executed by the Company this 7 day of June, 2000.

UNION PACIFIC RAILROAD COMPANY

By: Thomas J. Case
CHIEF ENGINEER

Attest:

Kathy Klockner

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line UP Milepost 204.96 CY Inventory # 166 880S

City Pana Street Poplar County Christian

Jurisdiction City Urban x Rural Commercial Residential

Street Surface Width Condition

Angle ° Tracks Tangent Degree of Curve Superelevation

Depth of Cut Height of Fill

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>			

Intersecting Roads <100' <200'

Traffic Control Devices Present:

ADT 1450 Speed 30 mph Statewide Yes

School Buses Hazardous Materials Other

Rail Traffic: Ft. 11 @ 60 mph Pass. N/A @ mph Switch No

Simultaneous Movements: N/A Daylight and Dark: Yes

Present Protection:

Advance Warning Signs Pavement Marking

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	_____	_____	_____	_____
NW	_____	_____	_____	_____
SE	_____	_____	_____	_____
SW	_____	_____	_____	_____

Approach Grades

North	_____	%	_____	%	_____	%
South	_____	%	_____	%	_____	%

Comments: This crossing meets the minimum Stipulated Agreement criteria for the addition of gates to the existing automatic flashing light signals in that the product of the average daily train and vehicular traffic exceeds 3,000.

The Illinois Department of Transportation has an agreement with the Company for the installation of constant warning time circuitry at the Washington Street (Ill. Rte. 29) crossing in Pana. The Washington Street crossing is located between the Poplar Street and Locust Street crossings. The circuit lengths at Washington Street overlap with the circuitry at the adjacent crossings and vice versa. In order for the constant warning time circuitry to be installed at the Washington Street crossing to be compatible with the circuitry at the adjacent crossings and to provide for the proper operation of the warning devices at the four crossings, constant warning time circuitry must be installed at all four crossings.

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line UP Milepost 205.06 CY Inventory # 166 882F

City Pana Street Locust County Christian

Jurisdiction City Urban x Rural Commercial x Residential x

Street Surface Asphalt Width 39' F-F Condition Good

Angle 120° Tracks Tangent N/A Degree of Curve N/A Superelevation N/A

Depth of Cut 0' Height of Fill 0'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Full Depth Timber</u>	<u>72'</u>	<u>Good</u>

Intersecting Roads <100' N/A <200' Washington Street (Ill. Route 29) - 145' North

Traffic Control Devices Present: Stop Sign on Locust

ADT 2650 Speed 30 mph Statewide Yes

School Buses Hazardous Materials Other

Rail Traffic: Ft. 9 @ 60 mph Pass. N/A @ mph Switch No

Simultaneous Movements: N/A Daylight and Dark: Yes

Present Protection: AFLS; Crossbucks; One Pedestrian Bell

Advance Warning Signs South side only Pavement Marking No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	_____	_____	_____	_____
NW	_____	_____	_____	_____
SE	_____	_____	_____	_____
SW	_____	_____	_____	_____

Approach Grades

North	OK	'	%	'	%	'	%
South	OK	'	%	'	%	'	%

Comments: This crossing meets the minimum Stipulated Agreement criteria for the addition of gates to the existing automatic flashing light signals in that the product of the average daily train and vehicular traffic exceeds 3,000.

The Illinois Department of Transportation has an agreement with the Company for the installation of constant warning time circuitry at the Washington Street (Ill. Rte. 29) crossing in Pana. The Washington Street crossing is located between the Poplar Street and Locust Street crossings. The circuit lengths at Washington Street overlap with the circuitry at the adjacent crossings and vice versa. In order for the constant warning time circuitry to be installed at the Washington Street crossing to be compatible with the circuitry at the adjacent crossings and to provide for the proper operation of the warning devices at the four crossings, constant warning time circuitry must be installed at all four crossings.

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line UP Milepost 167.30 STL Inventory # 542 123H

City Pana Street State Street County Christian

Jurisdiction City Urban x Rural Commercial x Residential x

Street Surface Concrete with Asphalt Approaches Width 21' E-E Condition Fair

Angle 90° Tracks Tangent N/A Degree of Curve N/A Superelevation N/A

Depth of Cut 0' Height of Fill 0'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Full Depth Timber</u>	<u>40'</u>	<u>Fair</u>

Intersecting Roads <100' N/A <200' N/A

Traffic Control Devices Present: N/A

ADT 2650 Speed 30 mph Statewide Yes

School Buses Hazardous Materials Other

Rail Traffic: Ft. 9 @ 60 mph Pass. N/A @ mph Switch No

Simultaneous Movements: N/A Daylight and Dark: Yes

Present Protection: AFLS, Crossbucks

Advance Warning Signs No Pavement Marking No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	_____	_____	_____	_____
NW	_____	_____	_____	_____
SE	_____	_____	_____	_____
SW	_____	_____	_____	_____

Approach Grades

North	OK	'	%	'	%	'	%	
South	First 25	'	2.2	%	Next 25	'	2.6	%

Comments: This crossing meets the minimum Stipulated Agreement criteria for the addition of gates to the existing automatic flashing light signals in that the product of the average daily train and vehicular traffic exceeds 3,000.

The Illinois Department of Transportation has an agreement with the Company for the installation of constant warning time circuitry at the Washington Street (Ill. Rte. 29) crossing in Pana. The Washington Street crossing is located between the Poplar Street and Locust Street crossings. The circuit lengths at Washington Street overlap with the circuitry at the adjacent crossings and vice versa. In order for the constant warning time circuitry to be installed at the Washington Street crossing to be compatible with the circuitry at the adjacent crossings and to provide for the proper operation of the warning devices at the four crossings, constant warning time circuitry must be installed at all four crossings.

The Johns Street crossing is currently equipped with automatic flashing light signals and gates. Again, due to the close proximity of the Johns Street crossing to the State Street crossing and to insure the provide for the proper operation of the warning devices at each crossing, the Johns Street crossing must be provided with constant warning time circuitry. The cost for this installation is contained in the estimate attached as Exhibit B-3.

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK
BY THE
UNION PACIFIC RAILROAD

DATE: 1999-11-19

Exhibit B-1
page 1

DESCRIPTION OF WORK:

INSTALL GRADE CROSSING WARNING DEVICES AT POPLAR ST IN PANA IL MP.204.96
ON THE PANA SUB. THIS CROSSING TO SHARE CWT & HOUSE WITH WASHINGTON ST.
SIGNAL PROJECT MANGER:R.A.THOMPSON 8-245-2587
RAILROAD TO PERFORM ALL WORK / COST DISTRIBUTED AS FOLLOWS:
SIGNAL - ILLINOIS COMMERCE COMMISSION - 90% / UPRR - 10%

PID: 32749 AWO: 32476 MP,SUBDIV: 204.96, PANA
SERVICE UNIT: 04 CITY: PANA STATE: IL

DESCRIPTION	QTY	UNIT	LABOR	MATERIAL	RECOLL	UPRR	TOTAL
ENGINEERING WORK							
ENGINEERING			4005		3604	401	4005
LABOR ADDITIVE			6579		5921	658	6579
SIG-HWY XNG			1478		1330	148	1478
TOTAL ENGINEERING			12062		10855	1207	12062
SIGNAL WORK							
BILL PREP			900		810	90	900
CONTRACT				3074	2766	308	3074
EQUIPMENT RENTAL				2000	1800	200	2000
FOREIGN LINE FREIGHT				614	552	62	614
LABOR ADDITIVE			21315		19184	2131	21315
MATL STORE EXPENSE				1537	1383	154	1537
PERSONAL EXPENSES				9025	8122	903	9025
SALES TAX				1921	1728	193	1921
SIGNAL			16863	30747	42848	4762	47610
TRANSPORTATION CHARGES				1614	1452	162	1614
USAGE EQUIPMENT				3040	2736	304	3040
TOTAL SIGNAL			39078	53572	83381	9269	92650
SIGNAL RETIREMENT							
LABOR ADDITIVE			540		540		540
SIG-HWY XNG			500		450	50	500
TOTAL RETIREMENT			1040		990	50	1040
LABOR/MATERIAL EXPENSE			52180	53572			
RECOLLECTIBLE/UPRR EXPENSE					95226	10526	
ESTIMATED PROJECT COST							105752
EXISTING REUSEABLE MATERIAL CREDIT					0		
SALVAGE NONUSEABLE MATERIAL CREDIT					0		
RECOLLECTIBLE LESS CREDITS							

THE ABOVE FIGURES ARE ESTIMATES ONLY AND SUBJECT TO FLUCTUATION. IN THE EVENT OF AN INCREASE OR DECREASE IN THE COST OR QUANTITY OF MATERIAL OR LABOR REQUIRED, UPRR WILL BILL FOR ACTUAL CONSTRUCTION COSTS AT THE CURRENT EFFECTIVE RATE.

FORM 30-1

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WORK ORDER AUTHORIZATION-DETAIL OF ESTIMATED EXPENDITURES

EST START: 01-01-00
EST COMP: 12-31-00RAILROAD: UPRR CO.
LOCATION: PANA, IL POPLAR ST PANA SUB
DEPARTMENT: ENGINEERING SERVICESPROJ NO: 32749
A.W.O. NO: 32476
W.O. NO:
B.I. NO: 99EN10
STATE: IL
VAL SEC: 1121W

----- STOCK MATERIAL PLAN -----

ITEM NUMBER	ITEM DESCRIPTION	UNIT COST	QTY	UM	DIRECT MATL \$
02040420	BATTERY,GNB,75A9 OR 50A13	183.72	6	EA	1102
02040660	BATTERY,GNB, 75A23 OR 50A27	324.20	7	EA	2269
09011240	CABLE TIE, NYLON 1 1/8" MAX. DIA	0.06	200	EA	12
09011980	CABLE TIE, NYLON 3 1/2" MAX. DIA	0.22	20	EA	4
09040700	HEAT SHRINKABLE TUBING, .75" DIA.	1.03	6	EA	6
09041120	HEAT SHRINKABLE TUBING, 1.1" DIA.	1.60	3	EA	5
09054360	RELAY, GEN.PURPOSE 120V. TAB 856	12.96	1	EA	13
09057650	SOCKET,P-B 27E122 TAB 836A & 856	2.72	1	EA	3
09065700	TAPE, ELECTRICAL PLASTIC	2.45	2	RL	5
09066900	TERMINAL,SPADE,10-12 WIRE,#8 STUD	0.33	10	EA	3
09135650	2363 J,SLEEVE,4-6,REDUCING	0.85	6	EA	5
09136370	2367 J SLEEVE,SPLICING,4-4	0.84	6	EA	5
09137100	TERM.LUG 3/16 CABLE-1/4 POST 2412	0.83	50	EA	42
09215100	33466 TERMINAL, RING TONGUE AMP	0.23	24	EA	6
09261570	321527-1 TERMINAL, TEST	1.11	10	EA	11
09433590	CONNECTOR, 3/8 INCH STRAIGHT BO	0.09	3	EA	0
09442650	CONNECTOR, 3/4 INCH STRAIGHT BO	1.23	1	EA	1
09446050	CONNECTOR, 1 1/4 INCH STRAIGHT BO	13.65	1	EA	14
09466420	LOCKNUT, 1 1/4 INCH CONDUIT	0.14	1	EA	0
09615550	LAMP,INCANDESCENT,10V.25W.	5.18	6	EA	31
09844170	GROUND ROD, 5/8 INCH X 8 FEET	5.19	4	EA	21
09846750	GRND.ROD CONN. 4WAY ONESHOT.	5.05	4	EA	20
09908640	WIRE,#6 AWG.1 COND.COPPER,SOLID	0.11	100	LF	11
09912120	WIRE,#6 AWG. 2 COND.(500' ROLL)	0.78	250	LF	195
09913120	WIRE,#6 AWG.5 COND. (500' ROLL)	1.44	250	LF	360
09915610	WIRE #6 AWG 1 COND COPPER, STRAN	0.37	150	LF	56
09930550	WIRE #10 AWG 1 COND COPPER, STRAN	0.14	1000	LF	140
09932310	WIRE #10 AWG 1 COND COPPER, TWIST	0.32	170	LF	54
09946050	WIRE #14 AWG 7 COND CC,(500' ROLL	0.67	250	LF	168
09960090	WIRE #16 AWG 1 COND COPPER, STRAN	0.07	250	LF	18
13060230	TOGGLE,SPRING WING 3/8	0.52	4	EA	2
13552450	SHEET METAL SCREW,#12 X 3/4"	2.03	2	BX	4
13553150	SHEET METAL SCREW #12 X 1"	2.96	1	BX	3
17061400	PADLOCK,SIGNAL,WITHOUT KEY,AMERIC	12.00	5	EA	60
19009970	HOSE,1 1/2 INCH,SIGNAL BOOTLEG	1.16	60	LF	70
28033210	CARTON, 39 1/8"L X 23 1/4"W X 17	3.36	1	EA	3
28033230	CARTON, 47 3/8"L X 39 1/2"W X 18"	7.42	1	EA	7